



21st Floor  
1251 Avenue of the Americas  
New York, NY 10020-1104

**Abigail Everdell**

(212) 603-6468 tel  
abigaileverdell@dwt.com

MEMO ENDORSED

October 21, 2024

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#: \_\_\_\_\_  
DATE FILED: 10/23/2024

**VIA ECF**

Honorable Andrew L. Carter, Jr.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 435  
New York, NY 10007

**Re: Hames v. Townsquare Media, Inc., No. 1:24-cv-03875 (S.D.N.Y. 2024)**

Dear Judge Carter:

We represent Defendant Townsquare Media, Inc. ("Defendant") in the above-referenced action. We write concerning the Court's October 18, 2024 Order to Show Cause, ECF No. 29, and pursuant to Your Honor's Individual Rule 2.D.i.

In light of Plaintiff having filed a First Amended Complaint, ECF No. 27—only minutes before his deadline to oppose Defendant's Motion to Dismiss, ECF No. 21—Defendant hereby withdraws its Motion to Dismiss the originally filed Complaint as moot.

However, because Plaintiff's First Amended Complaint does not materially affect Defendant's arguments raised in its Motion to Dismiss, Defendant intends to file a renewed motion to dismiss. Pursuant to Your Honor's Individual Rule 2.D.i, it is Defendant's understanding that no further requests for a pre-motion conference are necessary. Defendant therefore anticipates filing its renewed motion within the deadline set by Rule 15(a)(1)(B).

We thank the Court for its attention to this matter.

Respectfully submitted,

Davis Wright Tremain LLP

/s/ Abigail B. Everdell

Abigail B. Everdell

*Attorney for Defendant Townsquare Media, Inc.*

cc: Counsel of Record (via ECF)

**DWT.COM**

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written over a horizontal line.

HON. ANDREW L. CARTER, JR.  
UNITED STATES DISTRICT JUDGE

October 23, 2024  
New York, New York